

Amendment under 37 C.F.R. § 1.116  
Application No. 10/807,327  
Attorney Docket No. 042271

**AMENDMENTS TO THE DRAWINGS**

The attached replacement sheets of drawings include changes to Figs.10-12.

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### **REMARKS**

#### **Drawings**

**The drawings were objected to under 37 CFR 1.121(d).**

As shown in the attached replacement sheets of drawings, Figs.10-12 have been amended to show the reference numerals. The reference numerals of the elements in Figs.10-12 are the same as those of the corresponding elements in Figs. 1-9.

#### **Rejections under 35 USC §102(a)**

**Claim 2 was rejected under 35 USC §102(a) as being anticipated by Applicant's Prior Art.**

The Examiner's rejections were substantially the same as the previous Office Action. Responding to Applicant's previous response, the Examiner alleged:

Although, Applicant has disclosed explanatory figures, the Examiner is permitted to give a claim the broadest reasonable interpretation. Therefore, Applicant's Prior Art does disclose that the second contact plug (60) is substantially located in a center area surrounded by four closest ferroelectric capacitors (65) out of said plurality of ferroelectric capacitors (for Example: See Figure 10-Marked Up Copy).

However, the interpretation must be "reasonable" and must also be consistent with the interpretation of those skilled in the art. The MPEP explains as follows:

**The broadest reasonable interpretation of the claims must also be consistent with the interpretation that those skilled in the art would**

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reach. *In re Cortright*, 165 F.3d 1353, 1359, 49 USPQ2d 1464, 1468 (Fed. Cir. 1999) (The Board's construction of the claim limitation "restore hair growth" as requiring the hair to be returned to its original state was held to be an incorrect interpretation of the limitation. The court held that, consistent with applicant's disclosure and the disclosure of three patents from analogous arts using the same phrase to require only some increase in hair growth, one of ordinary skill would construe "restore hair growth" to mean that the claimed method increases the amount of hair grown on the scalp, but does not necessarily produce a full head of hair.).

(MPEP 2111).

Although the Examiner maintained that, in Fig. 10, the second contact plug (60) is substantially located in a center area surrounded by four closest ferroelectric capacitors (65) out of said plurality of ferroelectric capacitors, a person of ordinary skill in the art could not identify the four closest ferroelectric capacitors (65). In the art, in Fig. 10, a person of ordinary skill in the art would find only two closest ferroelectric capacitors (65).

In order to clarify the Examiner's interpretation, the Examiner is respectfully requested to identify the four closest ferroelectric capacitors (65) in the marked-up Fig. 10.

In the marked-up Fig. 10, the second contact plug 60 is not substantially located in a center of an area surrounded by four closest ferroelectric capacitors. Thus, Applicant's Prior Art does not disclose "wherein the second contact plug is substantially located in a center of an area surrounded by four closest ferroelectric capacitors out of said plurality of ferroelectric capacitors."

Further explanation is made using attached Explanatory Figures. As shown in Explanatory Fig. A (corresponding to Fig. 2), the area enclosed in the bold line corresponds to

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“an area surrounded by four closest ferroelectric capacitors . . .” in claim 2. The center  $C_0$  of the enclosed area corresponds to “a center of an area . . .” in claim 2. In the embodiment, the contact plug 10 is located at the center  $C_0$ .

On the other hand, in the related art shown in Explanatory Fig. B (corresponding to Fig. 10), the area enclosed in the bold line corresponds to “an area surrounded by four closest ferroelectric capacitors . . .” in claim 2. The center  $C_1$  of the enclosed area corresponds to “a center of an area . . .” in claim 2. However, as shown in Explanatory Figure B, the contact plug 60 does not position at the center  $C_1$ .

Thus, there is clear difference between the present invention as recited in claim 2 and the structure shown in Fig. 10.

Therefore, Applicant's Prior Art does not teach or suggest “wherein the second contact plug is substantially located in a center of an area surrounded by four closest ferroelectric capacitors out of said plurality of ferroelectric capacitors.”

For at least these reasons, claim 2 patentably distinguishes over Applicant's Prior Art.

**Rejections under 35 USC §103(a)**

**Claim 4 was rejected under 35 USC §103(a) as being obvious over Applicant's Prior Art.**

**Claims 6 and 10 were rejected under 35 USC §103(a) as being obvious over Applicant's Prior Art in view of Summerfelt et al. (U.S. Publication No. 2005/0012125).**

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**Claims 8 and 12 were rejected under 35 USC §103(a) as being obvious over Applicant's Prior Art in view of Summerfelt et al. (U.S. Publication No. 2005/0012125) and Corvasce et al. (U.S. Patent No. 6,656,801).**

All of claims 4, 6, 8, 10 and 12, directly or indirectly, depend from claim 2. As discussed above, claim 2 patentably distinguishes over Applicant's Prior Art. Summerfelt et al and Corvasce et al, as described by the Examiner in the Office Action, do not remedy the deficiencies of Applicant's Prior Art.

Therefore, Applicant's Prior Art, Summerfelt et al. and Corvasce et al, taken alone or taken in combination, do not teach or suggest claims 4, 6, 8, 10 and 12.

For at least these reasons, claims 4, 6, 8, 10 and 12 should patentably distinguish over Applicant's Prior Art, Summerfelt et al. and Corvasce et al.

In view of the aforementioned amendments and accompanying remarks, Applicants submit that that the claims, as herein amended, are in condition for allowance. Applicants request such action at an early date.


If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.

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If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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Enclosures: Replacement Sheets for Figs. 10-12  
Explanatory Figures

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